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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

ROY D. CHEESMAN,

Plaintiff,

vs.

CITY OF ELLENSBURG,
ELLENSBURG CITY ATTORNEY,
ELLENSBURG POLICE DEPARTMENT,
POLICE OFFICER RYAN POTTER,
Defendants.

NO.

**NOTICE OF REMOVAL
OF ACTION; UNDER 28
U.S.C. § 1441, 1443 AND
1446**

(FEDERAL QUESTION)

**(From Kittitas County
Superior Court Cause No.
20-2-00289-19)**

COME NOW the Petitioners, the City of Ellensburg, Ellensburg City Attorney, Ellensburg Police Department and Police Officer Ryan Potter, by and through their undersigned attorneys of record, Kirk A. Ehlis of Menke Jackson Beyer, LLP and hereby request that this matter be removed to Federal Court.

The basis of removal to Federal Court is 28 U.S.C. § 1441, 1443 and 1446.

NOTICE OF REMOVAL - 1

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In support of removal, petitioners allege as follows:

1. Petitioners are the defendants in the above referenced action and as evidenced by the signature of their counsel below, consent to this Notice of Removal.

2. On or about November 12, 2020 a copy of a Complaint bearing Kittitas County Superior Court Cause No. 20-2-00289-19 was first served on the office of the City Attorney for the City of Ellensburg. A copy of the original Complaint is attached hereto as Exhibit "A."

3. No further proceedings have been had in this action in Kittitas County Superior Court other than the filing of a notice of appearance and an answer on behalf of the petitioners, copies of which are attached hereto as Exhibit "B."

4. The plaintiff expressly alleges in his complaint that defendants are violating the Fourth Amendment, Fifth Amendment and Ninth Amendment rights of plaintiff.

5. This Court has original jurisdiction of the above-entitled action and the claims made against petitioners pursuant to 28 U.S.C. § 1331 and the action therefore may be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1443.

6. The plaintiff has not expressly alleged a specific dollar amount of damages in his Complaint, although he does allege that he is seeking "relocation expenses saving and personal financial life savings" through this action.

7. This petition is filed with this Court within 30 days after delivery of the original Complaint to the defendants.

8. Both the plaintiff and defendants have requested by pleading that this matter be tried to a jury.

WHEREFORE, petitioners request that the above-entitled action be removed from Kittitas County Superior Court to this Court.

DATED this 1st day of December, 2020.

s/ KIRK A. EHLIS (WSBA #22908)
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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2020 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

None

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Mr. Roy D Cheesman (Pro Se)
1708 N. Indiana Drive
Ellensburg, Washington 98926

s/ KIRK A. EHLIS (WSBA #22908)
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